## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

SYSCO OF CENTRAL CALIFORNIA, INC.

and

Case 32-CA-24883

## INTERNATIONAL BROTHERHOOD OF TEAMSTERS TEAMSTER UNION LOCALS 386, 431, 853

## ORDER<sup>1</sup>

The Petitions to Revoke Subpoena Ad Testificandum A-873595 and Subpoena Duces Tecum B-630442 are denied. The subpoenas seek information relevant to the matter under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoenas. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9<sup>th</sup> Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4<sup>th</sup> Cir. 1996).<sup>2</sup>

Dated, Washington D.C., May 28, 2010.

PETER C. SCHAUMBER,

**MEMBER** 

CRAIG BECKER.

MEMBER

MARK GASTON PEARCE,

MEMBER

<sup>&</sup>lt;sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The question whether the subpoenaed parties have fully complied with the subpoenas is an issue to be resolved in an enforcement proceeding in federal district court, not by the Board. See, e.g., *Reich v. Montana Sulphur & Chemical Co.*, 32 F.3d 440, 444 (9th Cir. 1994) (agency subpoenas are not self-enforcing and if resisted, agency must seek judicial enforcement); *Shea v. Office of Thrift Supervision*, 934 F.2d 41, 45 (3rd Cir. 1991) (administrative subpoenas are not self-enforcing; if subpoenaed party refuses to comply, issuing agency may file an enforcement action in federal district court).